

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

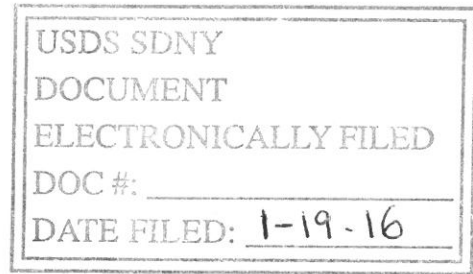
GUCCI AMERICA, INC., *et al.*,

Plaintiffs,

-v-

WEIXING LI, *et al.*,

Defendants.



No. 10-cv-4974 (RJS)
ORDER

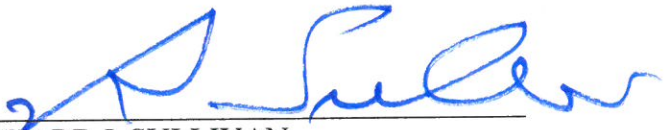
RICHARD J. SULLIVAN, District Judge:

Now before the Court is a request from non-party Bank of China (“BOC”) for an extension of time in which to produce account documents requested in two subpoenas served in 2010 and 2011. (Doc. No. 192.) As the Court has stated several times before, BOC has long been aware of its obligation to comply with these subpoenas and yet, for months, BOC has refused to produce the requested documents. In its September 29, 2015 Opinion and Order, the Court compelled BOC to produce all account documents requested in the two subpoenas served in 2010 and 2011. (Doc. No. 158). After BOC failed to comply with that Order, on November 9, 2015, the Court ordered that BOC show cause as to why it should not be held in civil contempt and sanctioned (Doc. No. 162), and, on November 24, 2015, the Court heard argument. Finally, on November 30, 2015, the Court issued an order holding BOC in civil contempt and imposing a coercive fine of \$50,000 for each day of non-compliance. (Doc. No. 176.) More than three and a half months have now passed since the Court’s September 29, 2015 Order and BOC has yet to produce the requested account documents. Moreover, while BOC writes in its letter requesting an extension that the Second Circuit’s denial of its motion for a stay on the sanctions was “unexpected, given that an interim

stay had been granted,” there is no legal basis for its expectation that a stay would be granted. As discussed in the Court’s November 30, 2015 Order, the standard for a stay is difficult to meet and requires, among other things, that the applicant show irreparable injury and a likelihood of success on the merits. *In re World Trade Ctr. Disaster Site Litig.*, 503 F.3d 167, 170 (2d Cir. 2007). Based on this standard, the Court is befuddled as to why BOC expected that the Second Circuit would grant a stay. Accordingly, as BOC has had ample time to prepare for the production of these documents and has provided no compelling justification for this further delay, IT IS HEREBY ORDERED THAT BOC’s request for an extension of time in which to comply with the subpoenas and produce the account documents is DENIED.

SO ORDERED.

Dated: January 18, 2016
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE